



WISCONSIN REGULATORY DIGEST

A Publication of the
DEPARTMENT OF REGULATION AND LICENSING
FOR AUCTIONEERS AND AUCTION COMPANIES

Volume 3, No. 1

September, 1997

Registration Statistics As of 9/1/97

Auctioneers - 1,190

147 non-renewals
110 temporary registrations
954 renewed registrations

Auction Companies - 154

31 non-renewals
135 renewed registrations

Enforcement Statistics

Since January 1, 1997, the Board has received 26 consumer complaints against registrants. Since this same date the Board has closed 10 complaints after review by a case screening panel and has closed 5 cases following investigation. No disciplinary action has been taken; however, through screening, auditing and other actions, compliance with the law has been obtained in many situations.

Advertising and Bookkeeping Requirements

The Auctioneer Board and the Department have been studying the need to revise the rules pertaining to advertising and bookkeeping. The

question relating to advertising is whether the rules should be simplified by eliminating the need to include information in ads about the address and license number of the auctioneer and about the terms and conditions of sale. The question relating to bookkeeping is whether the rules should be more specific about how registrants must keep track of who pays how much for what and who received how much for what he or she sold.

The Department held an informational meeting in Eau Claire on September 9, 1997. At the time of writing this article it was planning at least one additional meeting.

If you would like to send written comments about these requirements, please do so as soon as possible. Do the advertising requirements unnecessarily increase your costs or don't they? What information should be in ads, in order to protect the public? Do you need more guidance about how to organize your bookkeeping records? Should the Department prepare forms for this purpose?

THE WISCONSIN AUCTIONEER BOARD

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Auction Companies (608-266-5522)

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Patricia McCormack, Deputy Secretary
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1997-98 CONTINUING EDUCATION REQUIREMENTS

All auctioneers whose registration certificate will expire on January 1, 1999, must satisfy the continuing education requirement during the 1997-98 biennium in order to renew their registration in a timely manner at the end of 1998.

There are two basic alternatives for completing the requirement:

ALTERNATIVE #1: Continuing Education Courses Approved by the Department

3 courses of at least 3 hours in length at a program provider ("school") approved by the Department. A course must be approved by the Department before a school may grant a certificate of attendance to a registrant.

- Course A Auction Contracts; Trust Accounts; Conduct
- Course B Registration Requirements; Advertising
- Course C Real Estate Auctions; Federal and State Laws Related to Auctions

Two course providers have been approved as of 9/1/97.

1. Wisconsin Auctioneers Association, 2468 N. High Point Rd., Middleton, WI 53562, (608) 836-6542.
2. Southeastern School of Auctioneering, 309 Eastview Rd., Pelzer, SC 29669, (864) 947-2000. This school presents courses in Greenville, SC; Chicago, IL; Alabama and Georgia.

ALTERNATIVE #2: Continuing Education Test-Out Exam

This alternative will be available from July 1, 1997, until December, 1998. The test-out exam will be administered by the Department on an as-needed basis in Madison or, possibly, in some other communities, depending on applications received by the Department. Dates will also be determined by the number of applications.. An exam brochure is available. Exam brochures and application information can be obtained by calling the Exam Center at (608) 266-2852. It describes the contents of the exam and the dates, times and places where the exam will be administered. The cost is \$43.

Auctioneer Questionnaire

The audit staff of the Department sent auctioneer questionnaires and received returns, along with copies of contracts and ads. In reviewing the materials, the audit staff found 343 contract and 114 advertisement violations. As of this date 41 registrants have made the required changes. Others may find themselves

to be the subject of a more lengthy investigation or audit.

If you have a trust account, you either have been or eventually will be audited by a Department auditor. The auditor will help you make corrections, if needed, or the auditor may file a complaint against you, if you have seriously mishandled funds belonging to others.

Continuing Education

The clock is ticking. Don't let time run out without having completed the continuing education requirement. Do it now and save a lot of grief later.

Every auctioneer whose registration certificate expires on January 1, 1999 must complete 9 hours of continuing education or must pass a test-out exam administered by the Department before that date. If an auctioneer fails to do so, his or her registration will expire and he or she will not be legally able to conduct or manage an auction until having received a renewed registration certificate. There is a \$25 late filing fee, in addition to the regular renewal fee. Note that auctioneers who receive an original registration certificate after approximately November 17, 1997, will receive a certificate which expires on January 1, 2001. They will not be required to obtain continuing education.

Are you a non-resident auctioneer registered in Wisconsin? You must attend the Wisconsin approved courses or pass the Wisconsin test-out exam.

Please refer to the summary information on the next page and keep it handy until you have satisfied the requirement.

This requirement is a one-shot affair. You will not be required to complete continuing education in future licensing bienniums.

Fee Changes

The Biennial Budget Bill proposes the following changes to the fee schedule for auctioneers and auction companies:

Original registration: \$40

Renewal of auctioneers: \$99

Renewal of auction companies: \$40

These changes will soon be in effect. Renewal fees include the cost of investigating and prosecuting complaints.

End of Grandfather Period

Beginning on December 1, 1997, no additional applicants for an original registration will be

permitted to qualify for a registration by simply providing evidence that they had experience conducting or managing auctions in Wisconsin at some time between the date the applicant submits an application and March 1, 1995. This so-called grandfather period is coming to an end and all applicants, except those who are residents of another state and qualify for reciprocity, will be required to either pass the licensing examination and receive a regular registration or to receive a temporary registration and pass the licensing exam within one year following the date of registration.

Practice Issues

Sales of Firearms. Refer to a copy of a letter from the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms. This letter is reproduced in the booklet which was sent to new registrants, entitled Wisconsin Statutes Relating to the Practice of Auctioneers and Auction companies.

Sale of Motor Vehicles. Refer to a copy of a letter from the Wisconsin Department of Transportation in the above-described booklet. This letter does not discuss motor vehicle titles; however, auctioneers are obliged to ascertain that vehicles auctioned by them have clear title. Auctioneers must provide valid title to the purchaser.

Sale of Migratory Birds. The Fish and Wildlife Service of the U.S. Department of the Interior has sent a Fact Sheet to the Department and the Board. The Migratory Bird Treaty Act makes it unlawful for anyone to kill, capture, buy, sell or trade, etc., any migratory bird (eagles, too), including feathers, parts, nests, or eggs, unless the person first obtains a federal permit. Thus, even genuine antique Indian art objects, if they are made with feathers or parts of protected birds, may not be sold or purchased.

For more information, contact the special agent in charge of the U.S. Fish and Wildlife Service's Law Enforcement District serving your area.

DIVISION OF BUSINESS LICENSURE AND REGULATION

Accountants, Architects, Auctioneers, Barbers, Boxing, Cemeteries, Charitable Organizations, Cosmetologists, Designers, Engineers, Firearms Permits for Security Guards, Funeral Directors, Geologists, Interior Designers, Landscape Architects, Land Surveyors, Nursing Home Administrators, Private Detectives, Professional Fund-Raisers, Real Estate Agents, Real Estate Appraisers, Security Guards, Timeshare Salespersons

*6-5439	Clete Hansen	Division Administrator/DLRE Bureau Director
*6-5521	Roxanne Peterson	Administrative Assistant

608-266-5511 is the main number and only number callers are to be given.

Press 1, Press 1	Interactive Voice Response	To obtain an application or other forms
Press 1, Press 2		Complaints against licensees

Press 2, Press 1	Lydia Bridge	*(1-4460)	Verifications, certifications, name/address changes, duplicates, approval of schools/instructors/courses
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Press 2, Press 2	Judy Dahler	*(1-4461)	Apprentices, transfers, change of employment, trade names, PD agency insurance, trust accounts
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Press 3, Press 2	Marlene Maly	*(1-4463)	For: AUC, FIREARMS, INT DES, PD, RE, SG, TIMESHARE
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LICENSURE, APPLICATION STATUS, RENEWALS, PRE-LICENSE EDUCATION, CONTINUING EDUCATION, EXAMS, REINSTATEMENTS, CHARITABLE ORGANIZATIONS

Press 4, Press 3	UCD Hunt Line	*(1-7096)	For: AUC, INT DES, PD, RE, TIMESHARE
	Sandi Lesperance	*(1-4474)	
	Denise Sampson	*(1-4476)	
	Elaine Backey	*(1-4478)	

Department of Regulation and Licensing
Auctioneers & Auction Companies
P.O. Box 8935
Madison, WI 53708-8935

Address Correction Requested

REGULATORY DIGEST

Bulk Rate
U.S. Postage
Paid
Madison, WI
Permit No. 1369

WISCONSIN STATUTES AND CODE

Copies of the Wisconsin Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28.

CHANGE OF NAME OR ADDRESS?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided, but may be verified by calling the board office one week after mailing the changes.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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